

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEAZLEY INSURANCE COMPANY, INC., :

Plaintiff, :

-against- :

ACE AMERICAN INSURANCE COMPANY, :
and ILLINOIS NATIONAL INSURANCE :
COMPANY, :

Defendants. :

Civil Action No.: 1:15-cv-05119-JSR

PLAINTIFF BEAZLEY
INSURANCE COMPANY, INC.’S
NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT AGAINST ACE
AMERICAN INSURANCE
COMPANY

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PLEASE TAKE NOTICE that pursuant to the schedule established by the Court Plaintiff Beazley Insurance Company, Inc., will move, before the Honorable Jed Rakoff, Judge of the United States District Court for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, New York, 10007, for an order (i) pursuant to Fed. R. Civ. P. 56, granting partial summary judgment in favor of Beazley with respect to its first cause of action against ACE American Insurance Company (“ACE”) and (ii) declaring that ACE has an obligation to provide a defense to The NASDAQ OMX Group, Inc., NASDAQ Stock Market, LLC, Robert Greifeld and Anna Ewing in connection with the Consolidated Amended Complaint filed against these parties in the action captioned *In re Facebook, Inc. Securities and Derivative Litigation, NASDAQ Actions*; Case No. 1:12-md-02389-RWS (S.D.N.Y.) under its Policy No. DON G21666944 010.

The moving papers for this motion will be served on July 31, 2015, the answering papers will be served on August 14, 2015, the reply papers will be served on August 21, 2015, and oral argument will be heard on August 28, 2015 at 3:30 p.m.

This motion is based on the annexed Statement of Material Facts pursuant to Local Civil Rule 56.1, the annexed declarations of Kevin F. Kieffer and Carrie Parikh, sworn to on July 31, 2015 and July 29, 2015, respectively, and the exhibits annexed thereto, the accompanying memorandum of law in support of the motion for partial summary judgment, the accompanying request for judicial notice and the pleadings and prior proceedings herein.

Dated: New York, New York.
July 31, 2015

Respectfully submitted,

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